

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(healre01.012)

5 **Applicant:** Falchuk, et al.

Paper No.:

Application No: 09/730,299

Group Art Unit: 3626

Filed: 12/05/2000

Examiner: Pass, Natalie

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Title: *A medical consultation management system*

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Commissioner for Patents
Alexandria, VA 22313-1450

Request to withdraw a holding of abandonment

20 **Summary of the prosecution**

This application is a divisional of U.S. patent 6,256,613, issued 3/7/2001 and having the same title, inventors, and assignee as the present patent application. Examiner mailed a first Office action in the above application on 7/12/04. In his Office action, Examiner
25 rejected pending claims 1-4 under 35 U.S.C. 103(a) as obvious over the combination of U.S. patent 5,517,405, McAndrew, et al., *Expert system for providing interactive assistance in solving problems such as health care management*, issued May 14, 1996 (henceforth "McAndrew") and U.S. patent 5,002,491, Abrahamson, et al., *Electronic classroom system enabling interactive self-paced learning*, issued Mar. 26, 1991 (henceforth "Abrahamson").
30 Applicants traversed the rejections.

Applicants thereupon received a second non-final Office action mailed 1/10/2005 in which Examiner rejected the claims as addressed to unpatentable subject matter under 35 U.S.C. 101, rejected claims 1 and 2 under 35 U.S.C. 102(e) as anticipated by the *Minnesota*
35 *Medical Association Report on Telemedicine* article (henceforth "Telemedicine"), and rejected claims 3 and 4 under 35 U.S.C. 103 as obvious over the combination of Telemedicine and Abrahamson. Applicants filed a response on April 6, 2005 in which Applicants amended claim 2 to deal with some problems concerning antecedents noted by Applicants and traversed the rejections under 35 U.S.C. 101, 102, and 103. The response

was mailed April 6, 2005 using the Certificate of Mailing procedure. A self-addressed itemized postcard was included with the response and was received by Applicants with an OIPE stamp indicating that the response had been received in the USPTO on April 8, 2005.

5 **The Notice of Abandonment**

At the end of July, 2005, Applicants' attorney received a telephone call from Examiner Pass indicating that the above application had gone abandoned for lack of a timely response to the Office action of 1/10/05. Applicants' attorney examined his file and indicated to Examiner Pass that a response had been timely filed and received in the USPTO. Examiner
10 Pass then rechecked the relevant USPTO databases and indicated that there was no record in the databases of the response. After some conversation, Applicants' attorney and Examiner Pass decided that she would issue the Notice of Abandonment and that Applicants' attorney would respond with a Request to Withdraw a Holding Of Abandonment. The Notice of Abandonment was mailed 7/29/05.

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Basis of the Request to Withdraw the Notice of Abandonment

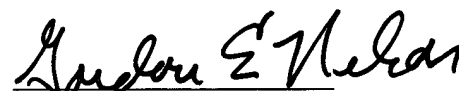
As indicated above, Applicants timely responded to the Office action of 1/10/05 and therefore did not abandon their application. Copies of the response filed April 6, 2005 and the postcard received from the USPTO stamped April 8, 2005 are included with this
20 Request. The copies show the following:

1. The response was mailed by first class mail using the Certificate of Mailing practice on April 6, 2005, as may be seen by the Certificates of Mailing on the Transmittal Form and on page 22 of the response.
2. An itemized postcard was included with the response.
- 25 3. The postcard was stamped by OIPE with the date April 8, 2005 and returned to Applicant's Attorney.

The Office Action being responded to was mailed 1/10/2005; the three-month date for the response was therefore 4/10/05 and the response was timely filed, either by virtue of the April 6, 2005 date on the Certificates of Mailing or by virtue of the fact that the response
30 actually arrived in the USPTO on April 8, 2005.

Since the response was timely filed and was apparently lost in the USPTO, there was no abandonment in fact. Applicants consequently respectfully request that Examiner withdraw the holding of abandonment and continue with the examination of the application. No fees are believed to be required for this Request. Should any be, please charge them to deposit account 501315.

Respectfully submitted,



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August 3, 2005

Date


Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

on August 3, 2005
(Date)

Gordon E. Nelson, #30,093


(Signature)